

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE,

Plaintiff,

v.

THE TRUSTEE OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK, and John Doe 1,

Defendants.

ORDER

25-cv-1108 (ER)

Ramos, D.J.:

On February 5, 2025, Plaintiff, proceeding *pro se*, filed the instant complaint against the Trustees of Columbia University in the City of New York and John Doe 1 (collectively “Defendants”). On February 14, 2025, Plaintiff filed an application to request a full-scope pro bono counsel for this litigation. Doc. 13.

To justify a request for pro bono counsel under 28 U.S.C. § 1915(e)(1), a litigant must first demonstrate that he or she is unable to afford counsel by, for example, successfully applying for leave to proceed in forma pauperis (“IFP”). *See Vickers v. Department of Veterans Affairs*, No. 22 Civ. 1781 (DEH), 2023 WL 7414674, at *1 (S.D.N.Y. Oct. 30, 2023). If Plaintiff’s IFP application is approved, the Court will then consider Plaintiff’s application for appointment of pro bono counsel without the need to re-file the request. At that point, the Court would evaluate the factors set forth by the Second Circuit in *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). The court must then consider whether the litigant’s claim “seems likely to be of substance.” *Id.* at 61. “Even where the claim is not frivolous, counsel is often unwarranted where the indigent’s chances of success are extremely slim.” *Id.* at 60 (internal quotations

omitted). If these two threshold requirements are met, the court must next consider: (1) the indigent's ability to investigate the crucial facts; (2) whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder; (2) the indigent's ability to present the case; (4) the complexity of the legal issues; and (5) any special reason in that case why appointment of counsel would be more likely to lead to a just determination. *Id.* at 61–62.

Here, Plaintiff has not filed or been granted a request to proceed *IFP*. If Plaintiff chooses to do so, she may submit an application to proceed IFP, using the form available at <https://nysd.uscourts.gov/sites/default/files/2018-06/IFP-application.pdf>.

For the foregoing reasons, Plaintiff's application for pro bono counsel is denied without prejudice.

It is SO ORDERED.

Dated: February 28, 2025
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written over a horizontal line.

Edgardo Ramos, U.S.D.J.